

Cowlitz PUD recall fallout working its way to state's highest court

By Brooks Johnson
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For the three men who attempted to recall Cowlitz PUD Commissioner Ned Piper in 2013, it's not about Piper anymore. It's about democracy.

"It's a matter of can a court rule on a matter like this, putting cold water on the ability to exercise a Washington state constitutionally recognized right?" Chuck Wallace said. "We believe if other people see bad or unlawful behavior, they might not act."

Wallace, Doug Irvine and Bill Ammons were ordered by a judge last fall to pay most of the legal fees — \$30,000 — that Piper incurred defending himself against the failed recall.

Wallace, speaking out about the subject for the first time, said this week that the chilling effect of such a judgment, which is being appealed, could have far-reaching consequences.

"As a result of this ruling the court has put liens on our properties, thus putting us in even more of a financial bind to generate funds to pay for the appeal," said Wallace, a former Longview City Councilman who works as a private security guard. "There's a lot of things happening here that are handcuffing us from our ability to exercise our rights."

The recall petition never gained court clearance in 2013, and Cowlitz Superior Court Judge Stephen Warning in July said the recall was "frivolous" and the three acted "in bad faith," thus granting Piper his attorney's fees.

Piper said that it's their responsibility to pay his costs in the recall, which Ammons started.

"All I can say about that is if (Wallace) is upset with somebody he should be upset with Mr. Ammons," Piper said. "I think they have a responsibility to follow through on this, assuming the courts side with Judge Warning."

According to court documents, the recall petition was slid under Ammons' Kelso barbershop door from an unknown source, and Ammons recruited Irvine and Wallace to help in the recall.

The three are appealing the case to the state Supreme Court, asserting that the recall was meant to go to a vote and not just harass Piper out of office. It is unclear when the appeal will move forward.

They're taking a new approach with a new lawyer, replacing Longview's Tim South with Olympia's Barnett Kalikow.

"We live in a society where people of voting age, we can't even get them to register to vote," Wallace said. "What is this ruling going to do to the exercise of their constitutional rights."